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LOK SABHA

The following Bills were introduced in Lok Sabha on 27th November, 1959:—

BILL No. 72 of 1959

A bill further to amend the Indian Railways Act, 1890.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Railways (Amendment) Act, 19 . Short title, extent and commencement.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

9 of 1890. 2. In sub-section (3) of section 11 of the Indian Railways Act, 1890 (hereinafter called the principal Act), for clause (b) the following shall be substituted, namely:— Amendment of section 11.

10 (b) A railway administration shall, on the requisition of the State Government, local authority or village Panchayat, or Community Development Block, execute any further and additional accommodation works for the use of the owners or occupiers of lands.”

15 3. For section 12 of the principal Act, the following be substituted, namely:— Amendment of section 12.

Power of owner, occupier, State Government, local authority or village Panchayat or Community Development Block to cause additional works to be made.

“12. If the owner or occupier of any land affected by a railway considers the works made under the foregoing section to be insufficient for the commodious use of land or if the State Government, Local Authority or Village Panchayat or Community Development Block desires to construct a road or any other work across, under, or over a railway line, they may require the railway administration to make such further accommodation works, as they deem necessary and are agreed to by the railway administration, or in the case of difference of opinion may be authorised by the Central Government.”

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STATEMENT OF OBJECTS AND REASONS

The Railway Act was passed seventy years back by a foreign Government when the development of the rural areas was neglected. After independence, successive five year Plans are fast changing the face of the country by the construction of new roads, minor irrigation channels through the Panchayats and Community Blocks in the rural areas. Towards these works the people contribute fifty per cent of the cost in the form of voluntary labour. All those development works are held up whenever a railway line intervenes. It is with a view to remove these hurdles that the present Bill has been brought.

NEW DELHI;

HEM RAJ.

The 20th August, 1959.

FINANCIAL MEMORANDUM

The accommodation works which will be constructed by the Railways as a result of the enactment of this Bill will be of a minor nature. At present no exact figures can be given but the expenditure is not likely to be substantial.

BILL No. 71 OF 1959

A bill further to amend the Delimitation Commission Act, 1952.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Delimitation Commission (Amendment) Act, 19 . Short title
and extent.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

81 of 1952. 2. In sub-section 2 of section 8 of the Delimitation Commission Act, 1952— Amendment
of section 2.

10 (i) for clause (a), the following clause shall be substituted, namely,—

“(a) all constituencies shall be single-member constituencies.”

(ii) for clause (b), the following clause shall be substituted, namely,—

15 “(b) seats shall be reserved for the Scheduled Castes and for the Scheduled Tribes in single-member constituencies.”

(iii) clause (c) shall be omitted; and

(iv) the proviso to clause (e) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

According to Section 8 of the Delimitation Commission Act, 1952, the Delimitation Commission has the discretion to delimit either single-member constituencies or two-member constituencies and to provide for the reservation of seats for the Scheduled Castes and the Scheduled Tribes in such constituencies. In most of the cases seats are reserved for these communities in two-member constituencies which are necessarily too big and unwieldy. Besides, this system entails heavy expenditure and creates confusion among voters and misunderstanding among candidates of the same political parties. This Bill seeks to remedy these defects by abolishing the two-member constituencies and providing for the reservation of seats for the Scheduled Castes and Scheduled Tribes in single-member constituencies.

NEW DELHI;

S. M. SIDDIAH.

The 3rd September, 1959.

BILL No. 73 OF 1959

A bill further to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. This Act may be called the Hindu Marriage (Amendment) Act, 19

25 of 1955. 5 2. After section 5 of the Hindu Marriage Act, 1955 (herein- Amendment
after referred to as the principal Act), the following proviso shall of section 5.
be inserted, namely:—

10 “Provided that the disability contained in sub-section (i)
shall not apply to cases where the wife is permanently incapa-
citated and rendered incapable of performing her marital
obligation if she gives her consent to the second marriage by
her husband before the District Judge.”

3. In section 24 of the principal Act,—

15 (a) for the word ‘respondent’ wherever it occurs in the
section the words ‘other party’ shall be substituted; and

(b) for the word ‘petitioner’ the word ‘applicant’ shall be
substituted.

Amendment
of section
24.

STATEMENT OF OBJECTS AND REASONS

In the Act as it stands at present, difficulties are felt by husbands whose wives have become permanently incapacitated and incapable of discharging their marital obligations and the husbands retain their affection for them and do not like to divorce them. The parties wish to live together. In such cases a divorce would result not only in misery to the wife but also to the husband.

Further in section 24 of the Act the intention of the Parliament was that in any proceeding under the Act if a party to the proceeding, whether a husband or a wife, had no independent means sufficient for his or her support and the necessary expenses of the proceeding, the court may on the application of the wife or the husband order the other side to pay the expenses of the proceedings and a reasonable monthly allowance but it so happens that instead of the words 'other party' the word 'respondent' has crept in so that in proceedings by a husband against the wife or *vice versa*, the respondent is unable to obtain the benefit provided by the Act.

Hence the Bill.

MULCHAND DUBE.

NEW DELHI;

The 14th September, 1959.

M. N. KAUL,
Secretary.